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6  
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**\*E-FILED - 12/14/10\***

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 05-00812 RMW
	)	
12 Plaintiff,	)	STIPULATION AND ORDER
	)	TO VACATE FINAL PRETRIAL
13	)	CONFERENCE AND TRIAL DATES
14 vs.	)	
	)	
15	)	
	)	
16 SUIBIN ZHANG,	)	
	)	
17 Defendant.	)	
<hr/>		<b>Honorable Ronald M. Whyte</b>

18  
19 The parties, Suibin Zhang and the government, acting through their respective counsel  
20 hereby stipulate, subject to the Court's approval, that the final pretrial conference set for  
21 December 16, 2010 at 2:00 p.m. and the trial date of January 10, 2011 at 9:00 a.m., be vacated  
22 and that the Court set a status hearing date of January 10, 2011 at 9:00 a.m.

23 The request to vacate the final pretrial conference date and trial date is made on behalf of  
24 Mr. Zhang's counsel who is currently out of the office on extended medical leave and is not  
25 expected to return to the office until 2011. If the Court prefers, the parties agree to appear on  
26

1 December 16, 2010 at 2:00 p.m. for a status hearing prior to the January 10, 2011 status hearing  
2 date.

3 The parties further agree and stipulate that time should be excluded from today's date  
4 through and including January 10, 2011, for continuity of counsel and to provide defense counsel  
5 further time to prepare, for purposes of Speedy Trial Act computations pursuant to Title 18,  
6 United States Code, Sections 3161(h). Accordingly, Mr. Zhang and the government agree that  
7 granting the requested exclusion of time will serve the interest of justice and outweigh the  
8 interest of the public and the defendant in a speedy trial.

9 Dated: December 2, 2010

10 /s/  
11 Manuel U. Araujo  
Assistant Federal Public Defender

12 MELINDA HAAG  
United States Attorney

13 Dated: December 2, 2010

14 /s/  
David R. Callaway  
15 Matthew A. Parrella  
Assistant United States Attorneys

**[ ] ORDER**

Good cause appearing, and by stipulation of the parties in the above-captioned matter,  
IT IS HEREBY ORDERED that the final pretrial conference set for December 16, 2010 at  
2:00 p.m. and the trial date of January 10, 2011 at 9:00 a.m. are VACATED. The next court  
hearing will be held on January 10, 2011 at 9:00 a.m. for a  
status hearing. It is further ordered that the time between today's date through and including  
January 10, 2010, is excluded for purposes of Title 18, United States Code, Sections 3161(h)(7)(A)  
and 3161(h)(7)(B)(iv).

Dated: 12/14/10



HONORABLE RONALD M. WHYTE  
United States District Judge